BSN Telecom Company

of

Rates, Rules and Regulations for Furnishing
Resold Interexchange Telecommunications Services

Filed with

PUBLIC SERVICE COMMISSION OF KENTUCKY

PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE

MAR 27 1992

PURSUANT TO 807 KAR 5:011,

SECTION 9 (1)

PUBLIC SERVICE COMMISSION MANAGER

ISSUED: February 26, 1992

EFFECTIVE: March 27, 1992

ISSUED BY BSN Telecom Company

By:

Leo Rostermundt, President Three Park Central, Suite 1000

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1515 Arapahoe Street Denver, CO 80202

CHECK SHEETS

Sheets 1 through 28 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheets(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date at the bottom of this sheet.

SHEET	REVISION
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SYMBOLS

The following are the only symbols used for the purpose indicated below:

- (C) Changed regulation
- (D) Discontinued rate or regulation
- (I) Increase in rate
- (N) New rate or regulation
- (R) Reduction in rate
- (T) Change in text only

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TARIFF FORMAT

- A. Sheet Numbering Sheet numbers appear in the upper right corner of the sheet. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers Revision numbers also appear in the upper right corner of each sheet. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in its tariff approval process, the most current sheet number on file with the Commission is not always the tariff sheet in effect. Consult the Check Sheet for the sheet currently in effect.
- C. <u>Paragraph Numbering Sequence</u> There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

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TARIFF FORMAT (Cont'd.)

D. <u>Check Sheets</u> - When a tariff filing is made with the Commission, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new sheets are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no other symbols used on this sheet if these are the only changes made to it (i.e., the format, etc., remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the Commission.

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SECTION 1 - DEFINITIONS

1.1 Definitions of Terms

Access Line - A telephone line, utilizing a communication device possessed by the Customer, provided by the Local Exchange Carrier to the Company through the Underlying Carrier.

Account Code - A four-digit code entered by the caller to associate the telephone call with a particular department, project, cost center or client.

Area Code - A three-digit code designating a particular geographical area of the country for long distance call routing. First digit 2-9, second digit always "1" or "0."

Commission - The Public Service Commission of Kentucky unless specifically stated otherwise.

Company or the Company - BSN Telecom Company (or BSN), unless specifically stated otherwise.

Conversation Minutes - For billing purposes calls are billed on conversation minutes and begin when the called party answers and ends when the calling party hangs up.

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SECTION 1 - DEFINITIONS (Cont'd.)

1.1 <u>Definitions of Terms</u> (Cont'd.)

Customer or Subscriber - The person, company, firm, corporation, end user or other entity which orders or uses the Company's service and is responsible for the payment of charges and compliance with the Company's tariff regulations.

Dial Station - That service where the person originating the call dials the telephone number desired, completes the call without the assistance of an operator and the call is billed to the originating number.

Long Distance Network Service Package A - The resale of AT&T Communication's Software Defined Network (SDN) Service.

Long Distance Network Service Package B - The resale of the AT&T Communications Distributed Network Service (DNS).

Point of Destination - The telephone number called.

Point of Origination - The station (telephone) from which the Customer initiates a call through the Underlying Carriers's switch.

Premises - The space designated by the Customer as its place of business for origination and termination of the Company's service.

Recognized Holidays - New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving and Christmas Day.

Underlying Carrier - AT&T which provides all the long distance facilities utilized by the Company, unless specifically stated otherwise.

1.2 Glossary of Acronyms and Trade Names

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BSN - The Company, Company or BSN Telecom Company OF KENTUCKY NPA - The three-digit Area Code or Numbering Plan Are FFECTIVE

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SECTION 2 - RULES AND REGULATIONS

2.1 Undertaking of BSN Telecom Company

The Company is a non-facility based long distance reseller providing intrastate interLATA interexchange communications service to Customers for their direct transmission and reception of voice telecommunications within the Commonwealth of Kentucky. BSN purchases services from AT&T Communications, and then resells the services to small and medium-sized businesses within the Commonwealth of Kentucky in accordance with the terms and conditions set forth under this tariff. The Company's services are provided through a two year Service Agreement which may be cancelled by the Customer or the Company, upon request as outlined within this tariff. Company's services are provided on a statewide basis and are not intended to be limited geographically. Service is available on a full time basis, twenty four hours a day, seven The Customer shall be responsible for all days a week. charges due for such services.

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of the necessary facilities and subject to the terms and conditions of this tariff.
- 2.2.2 Service is offered subject to the Kentucky Revised Statutes and the Kentucky Administrative Regulations as now or hereafter enacted.
- 2.2.3 The Company reserves the right to discontinue furnishing service upon written notice when necessitated by conditions beyond its control or when the Customer is using the service in violation of the provisions of this tariff, or for non-payment of service.

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- 2.2 <u>Limitations</u> (Cont'd.)
 - 2.2.4 Service may not be used for any unlawful purpose.
 - 2.2.5 All facilities provided under this tariff are directly controlled by BSN Telecom Company and the Customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
 - 2.2.6 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.

2.3 Liabilities of the Company

2.3.1 Company has no liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission or call processing of Customer's communications traffic by the Underlying Carrier. The Company's liability for such damages occurring in the course of furnishing the Company's services but not caused by its gross negligence or willful misconduct or that of its employees or agents, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which such mistakes, interruptions, omissions, delays, errors, or defects in the Company's furnishing of its services occur.

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- 2.3 <u>Liabilities of the Company</u> (Cont'd.)
 - 2.3.2 Acceptance of the provisions of Section 2.3.1 by the Commission does not constitute its determination that the limitation of liability imposed by the Company should be upheld in a court of law; but the recognition that as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of Section 2.3.1.
 - 2.3.3 Company shall be indemnified and held harmless by the Customer against:
 - A. Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content of a Customer's communications traffic;
 - B. Claims for patent infringement arising from a Customer's use of its equipment, facilities or systems with the Company's services; and
 - C. All other claims arising out of any act or omission of the Customer in connection with any service provided by Company.

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2.4 <u>Interruption of Service</u>

- Credit allowance for the interruption of service is 2.4.1 subject to the general liability provisions set forth in Section 2.3.1 herein. Customer shall receive no credit allowance for interruption of service which is due to Carrier's testing or adjusting, negligence of the Customer, or to the failure of channels or equipment provided by the Customer. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission within Customer's control, or is not in wiring or equipment, if any, furnished by the Customer in connection with the Company's services.
- 2.4.2 No credit is allowed in the event service must be interrupted in order to provide routine service quality or related investigations.
- 2.4.3 Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of Company or in the event Company is entitled to a credit for the failure of the facilities of Company's Underlying Carrier used to furnish the services.
- 2.4.4 No credit shall be allowed:
 - (A) For failure of services or facilities of Customer or other carriers; or
 - (B) For failure of services or equipment caused by the negligence or wilful acts of Customer or others.

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2.4 <u>Interruption of Service</u> (Cont'd.)

- 2.4.5 Credit for an interruption shall commence after Customer notifies Company of the interruption or when Company becomes aware thereof, and ceases when services has been restored.
- 2.4.6 Credits are applicable only to that portion of service interrupted.
- 2.4.7 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.4.8 No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.4.9 The Customer shall be credited for an interruption of two hours or more at a rate of 1/720th of the monthly charge for the services affected for each hour or major fraction thereof that the interruption continues. Calculations of the credit shall be made in accordance with the following formula.

Credit Formula:

Credit =
$$\frac{A}{720}$$
 x B

"A" = outage time in hours

"B" = total monthly charge for affected facility

2.5 Restoration of Service

The use and restoration of service shall be in accordance with the priority system specified in Part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

2.6 Deposits

The Company does not require a deposit from the Customer PUBLIC SERVICE COMMISSION

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2.7 Payment and Billing

- 2.7.1 Service is provided and billed on a monthly (30 day) basis. Long distance charges are billed in arrears and any recurring monthly charges are billed monthly in advance.
- 2.7.2 Bills are payable and due upon receipt. A late charge calculated at a rate of 1 percent per month (12 percent per annum) will be charged on any amount unpaid after thirty (30) days from rendition of billing.
- 2.7.3 A one time bad check charge of twenty dollars (\$20.00) will be added to the Customer's current amount due if a Customer's check for payment of services is returned for any reason such as non-sufficient funds or closed account. The Customer's current account is not considered paid until satisfactory funds are received. The Customer's account is subject to any applicable late charges resulting from any returned checks.
- 2.7.4 The Company reserves the right to examine the credit record of an applicant or Customer. A Customer whose service has been discontinued for non-payment of bills will be required to pay any unpaid balance due to the Company before service is restored.
- 2.7.5 If a Customer's service is disconnected for non-payment of a sum due to the Company, and the Customer requests reconnection of service, a one time charge of fifty dollars (\$50.00) for the reestablishment of service will be billed to the Customer. Payment of the reestablishment charge and any outstanding amounts will be due in full prior to reconnection of service.

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- 2.7 Payment and Billing (Cont'd.)
 - 2.7.6 The name(s) of the Customer(s) desiring to use the services must be set forth in the Service Agreement.

 An executed Service Agreement and letter of Agency is required to initiate service.
 - 2.7.7 If notice of a dispute as to charges is not received in writing by the Company within thirty (30) days after a bill has been rendered, the billing will be considered correct and binding.
 - 2.7.8 In the event of a billing dispute between the Customer and the Company regarding service furnished to the Customer, which cannot be settled to mutual satisfaction, the Customer can take the following action:
 - A. Initially the Customer may request, and the Company will comply with the request, a detailed review of the disputed amount. In this event the undisputed amount and any subsequent billing must be paid on a timely basis as prescribed in this tariff.
 - B. If after investigation by a manager of the Company, there is still a disagreement about the disputed amount the Customer may file a complaint with the Commission for its investigation and decision.

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2.8 Minimum Service Period

The Service Agreement between the Company and the Customer sets out the minimum period for service as two (2) years, which can be terminated upon sixty (60) days written notice.

2.9 <u>Cancellation of Service by Customers</u>

The Customer may cancel service by giving sixty (60) days written notice to the Company. The disconnection procedural process will begin immediately upon Customer notification. Complete disconnection and the transfer of access lines by AT&T may require up to ninety (90) days to complete. During the disconnection process the Customer is responsible for payment on any calls made during the relevant time period.

2.10 Cancellation of Service by Company

Without incurring liability, the Company may immediately discontinue service or cancel an application for service by written notice to the Customer:

- 2.10.1 48 hours following written notice to the customer, for nonpayment of any sum due to the Company for more than thirty (30) days after the Company issues the bill for the amount due,
- 2.10.2 For the violation of any of the provisions governing the furnishing of service under this tariff,
- 2.10.3 For any violation of any law, rule, regulation or policy of any government authority having jurisdiction over service, or
- 2.10.4 By reason of any order or decision of a court or other government authority having jurisdiction which prohibits the Company from furnishing services.

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2.11 Terminal Equipment

Terminal equipment used in conjunction with this service shall comply with the minimum protection criteria set forth in the appropriate tariff of the Underlying Carrier involved, and shall not interfere with the service furnished to other customers.

2.12 Use of Service

- 2.12.1 Service may be used for the transmission of communications by the Customer and the Customer's authorized user(s).
- 2.12.2 The Customer may not use or permit others to use any of the services or facilities furnished by the Company under this tariff for any unlawful purpose.

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SECTION 3 - DESCRIPTION OF SERVICES

3.1 Timing of Calls

The Customer's long distance usage charge is based on the actual usage of BSN services. Usage begins when the called party picks up the receiver. When the called party picks up is determined by hard answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Person-to-person, collect and third party billing is not available for the services provided by BSN.

3.2 Calculation of Distance

A charge per call will apply for each call connected based upon the airline mileage of the call between vertical (V) and horizontal (H) coordinates associated with the rate centers for the originating city and the terminating city. The airline mileage is calculated as specified in the AT&T Tariff F.C.C. No. 10.

3.3 Minimum Call Completion Rate

A customer can expect a call completion rate of not less than 90% during peak use periods for all BSN services.

3.4 Service Offerings

The Company resells the Long Distance Network, Group Billing and Directory Assistance Services within the Commonwealth of Kentucky as described in 3.5.1 through 3.5.4.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd.)

3.5 <u>Service Offerings</u> (Cont'd.)

3.5.1 Long Distance Network Service Package A

- The Long Distance Network Service Package A is resold AT&T Communication's Software Defined Network (SDN) Service. Package A is available to commercial and business customers. Tt. а custom designated telecommunications network that combines the efficiencies and benefits of both switched and private line service to meet the specific requirements of customers needing communicate between many nationally dispersed geographic locations and whose calling patterns are primarily interstate in nature. There is no monthly subscription. A minimum estimated billing of two hundred dollars (\$200.00) per month is applicable.
- B. Each Package A customer is billed individually for each call on a conversation minute basis placed through the Company since the previous month's billing. Each call is measured and billed at the applicable rate for the initial eighteen (18) second period or fraction thereof, and then at the applicable rate for each additional six (6) second period or fraction thereof. Minimum length of a call is eighteen (18) seconds. See Section 4, Rates and Charges, for the applicable rate schedule.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd.)

3.5 <u>Service Offerings</u> (Cont'd.)

3.5.2 Long Distance Network Service Package B

- Long Distance Network Service Package B is the resold AT&T Communications Distributed Network Service (DNS). Package B is an outbound long distance service, available to commercial and business customers. DNS rates apply to all direct dialed domestic calls for Customer designated locations anywhere in the United States, Puerto Rico, the U.S. Virgin Islands and all direct dialed international locations. There is no monthly subscription charge. minimum estimated billing of two hundred dollars (\$200.00) per month is applicable. Account codes are offered to Customers of Package B at no cost to the Customer. number of account codes can be assigned and controlled by the Customer.
- B. Each Package B customer is billed individually for each call on a conversation minute basis placed through the Company since the previous month's billing. Each call is measured and billed at the applicable rate for the initial eighteen (18) second period or fraction thereof, and then at the applicable rate for each additional six (6) second period or fraction thereof. See Section 4, Rates and Charges, for the applicable rate schedule.

3.5.3 Group Billing Service

Group Billing Service allows the Customer with more than one location to consolidate billing. Group Billing provides enhanced customer bills with call summaries by NPA, time period and location.

3.5.4 <u>Directory Assistance Service</u>

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Directory Assistance Service is provided to assist subscribers in obtaining telephone numbers.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd.)

3.6 <u>Accessing Service</u>

Package A and Package B are one way dial in - dial out, multipoint telecommunications services, allowing the Customer to originate calls through the access lines provided by the Underlying Carrier. Customers may originate calls only in the city or cities where they have an active account. Access to the Company may differ dependant upon the type of exchange access service provided by the local exchange telephone company to the Underlying Carrier.

3.7 Availability of Service

Package A and B, provided through the Company, is available at designated AT&T SDN and DNS Service Central Offices which are specified in the AT&T Tariff F.C.C. No. 10.

3.8 Locations of Service

Both Package A and B services offered by the Company are to be available throughout the Commonwealth of Kentucky, where AT&T long distance service is available. The services offered by the Company are not intended to be limited geographically.

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SECTION 4 - RATES

- 4.1 Long Distance Network Service Package A Usage Rates
 - 4.1.1 Package A calls are rated using one of the following schedules. The charges for all calls during a billing month will be totalled. If the total charge includes a fraction of a cent, the fraction is rounded to the next whole cent (e.g., \$4,101.345 would be rounded to \$4,101.35).
 - Day, Evening and Night rate periods apply to Long Distance Network Package A usage. The rates apply for all days of the week including holidays. The Day rate period is 8:00 AM to, but not including 5:00 PM Monday through Friday. The Evening rate period is 5:00 PM to, but not including 11:00 PM Monday through Friday and 5:00 PM to, but not including 11:00 PM Sunday. The Night/Weekend rate period is 11:00 PM to, but not including 8:00 AM Monday through Sunday, all day Saturday, and from 8:00 AM to, but not including 5:00 PM Sunday. For New Year's Day (January 1); Independence Day (July 4); Labor Day; Thanksgiving Day; and Christmas Day (December 25) the Evening rate applies.
 - 4.1.3 The rate for a call between stations whose access lines are associated with the same AT&T Central Office is zero mileage rate.

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SECTION 4 - RATES

4.1 Long Distance Network Service Package A Usage Rates (Cont'd.)

4.1.4 Schedule A

This schedule applies to calls between two onnetwork stations which use local exchange service access lines or between an on-network station which uses a local exchange service access lines and an off-network station or, between two off-network stations in the Commonwealth of Kentucky.

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Rate Mileage	<u>Day</u>	<u>Evening</u>	<u>Night</u>	Day_	Evening	<u>Night</u>
0 - 292	\$.0732	\$.0588	\$.0588	\$.0224	\$.0196	\$.0196
293 - 430	.0732	.0588	.0588	.0224	.0196	.0196
431 - 925	.0732	.0588	.0588	.0224	.0196	.0196

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4.1 Long Distance Network Service Package A Usage Rates (Cont'd.)

4.1.5 Schedule B

This schedule applies to calls between an onnetwork station which uses a special access line and either an on-network station that uses a local exchange service access line or an off-network station in the Commonwealth of Kentucky.

The rate for a call between stations whose access lines are associated with the same AT&T Central Office is the zero mileage rate.

			Rat	es		
	Ini	tial 18 Sec	conds	Eac	h Additiona	al 6
		or Fracti	lon	Sec	onds or Fra	action
Rate Mileag	<u> Day</u>	Evening	Night	Day_	<u>Evening</u>	<u>Night</u>
0 - 292	\$.0435	\$.0342	\$.0342	\$.0145	\$.0114	\$.0114
293 - 430	.0435	.0342	.0342	.0145	.0114	.0114
431 - 925	.0435	.0342	.0342	.0145	.0114	.0114

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4.1 Long Distance Network Service Package A Usage Rates (Cont'd.)

4.1.4 Schedule C

This schedule applies to calls between two onnetwork stations which use special access lines.

			Rat	es		
	Ini	tial 18 Sec or Fracti			h Additiona onds or Fra	
Rate Mileage	<u>Day</u>	<u>Evening</u>	<u>Night</u>	Day_	Evening	<u>Night</u>
0 - 292	\$.0177	\$.0123	\$.0123	\$.0059	\$.0041	\$.0041
293 - 430	.0177	.0123	.0123	.0059	.0041	.0041
431 - 925	.0177	.0123	.0123	.0059	.0041	.0041

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4.2 Long Distance Network Service Package B Usage Rates

Package B is the resold AT&T Communication's Distributed Network Service (DNS). Package B rates may include usage charges and monthly recurring charges. Usage charges are billed in arrears, monthly recurring charges, as set forth in Section 4.3 following, are billed in advance. Package B usage charges apply to all completed calls on Package B. Monthly charges apply whether or not the service is used. The Customer is liable for the full service establishment charge plus all location installation charges at the time the Customer orders Package B.

4.2.2 <u>Usage Charges</u>

These charges apply per completed call and are determined using the following rate schedules.

Distance Measurement - Usage rates in Schedule Α. B, Intra-Mainland, Mainland-Hawaii, Mainland-Alaska and Hawaii-Mainland, are based on the distance in airline miles between the vertical (V) and horizontal (H) coordinates associated with the rate centers of the DNS station and the called station. Airline mileage is calculated as specified in the AT&T Tariff F.C.C. No. 10. Usage rates in Schedule B, Mainland-Puerto Rico/U.S. Virgin Islands, are based on mileage bands into which the states Mileage bands eliminate the are grouped. necessity for determining specific airline mileage between DNS stations and the called stations in Puerto Rico and the U.S. Virgin Islands.

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- 4.2 Long Distance Network Service Package B Usage Rates (Cont'd.)
 - 4.2.2 Usage Charges (Cont'd.)
 - B. Rate Periods Day, Evening and Night/Weekend rate periods apply to Package B service. The rates apply for all days of the week including holidays. The Day rate period is 8:00 AM to, but not including, 5:00 PM, Monday through Friday. The Evening rate period is 5:00 PM to, but not including, 11:00 PM Monday through Friday and 5:00 PM to, but not including, 11:00 PM Sunday. The Night/Weekend rate period is 11:00 PM to, but not including, 8:00 AM Monday through Sunday, all day Saturday, and from 8:00 AM to, but not including, 5:00 PM Sunday. For New Year's Day (January 1), Independence Day (July 4), Labor Day, Thanksgiving Day and Christmas Day (December 25), the Evening rate applies unless a lower rate would normally apply.
 - 4.2.3 <u>Method of Computing Charges</u>

Charges for each Package call are totalled by rate period. If the computed charges include a fraction of a mill, the fraction is rounded to the next whole mill (e.g., \$1.4255 would be rounded to \$1.426).

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4.2 Long Distance Network Service Package B Usage Rates (Cont'd.)

4.2.4 <u>Usage Schedule</u>

The following rates are applicable for all Package B calls:

	Rates	
	Initial 18 Seconds	Each Additional 6
	<u>or Fraction</u>	<u>Seconds or Fraction</u>
Day	\$.0693	\$.0231
Evening	.0686	.0229
Night/Weekend	.0686	.0229

4.2.5 <u>Usage Discount Plan</u>

A Customer's intrastate usage will be combined with the Customer's interstate usage to determine the level of discount to be applied as specified in AT&T's F.C.C. Tariff No. 1, Section 6.12.

4.3 Group Billing Service Charge

A monthly recurring charge of five dollars (\$5.00) per location processed will be added to the outstanding amount due the Company for those Customers who elect to utilize the Group Billing Service.

4.4 Directory Assistance Service

BSN customers will be billed the following per call charge for each directory assistance call. The directory assistance charge applies to each call, regardless of whether the directory assistance bureau is able to furnish the requested telephone numbers.

Per Call Charge

\$0.60 PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE

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